

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

NADINE BALLARD, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Case No. 3:23-cv-00422-MOC-DCK

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DAVID CONAWAY, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.; BANK OF  
AMERICA CORPORATION; and DOES 1-10,

Defendants.

Case No. 3:23-cv-00542-KDB-DCK

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ROBERT SCHAK, individually, and on behalf  
of all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA N.A.; BANK OF  
AMERICA CORPORATION,

Defendants.

Case No.: 3:24-cv-00027-KDB-DCK

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CHAD POWE, JERMAINE WILLIS,  
BENJAMIN COX, GWENEVERE  
ALEXANDER-TELL, CRISTEL  
ROTHWELL, TAMMIE HALL, JOSEPH  
BARLAY on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A.; BANK OF  
AMERICA CORPORATION,

Defendants.

Case No. 3:23-cv-00756-RJC-DCK

JESSICA STRIPLING AND MIEDO  
DONQUE, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:23-cv-00908-KDB-DCK

### **ORDER**

**THIS MATTER** comes before the Court on the Plaintiffs' motion to vacate or in the alternative continue the hearing in this matter scheduled for February 20, 2024. (Doc. No. 47). Plaintiff's motion to consolidate also remains pending. (Doc. No. 38). Defendant does not oppose consolidation. (Doc. No. 40). The Court will **GRANT** Plaintiffs' motion to **CONTINUE** the February 20, 2024 hearing, and Plaintiffs' unopposed motion to **CONSOLIDATE** the cases.

### **ACCORDINGLY, IT IS HEREBY ORDERED:**

1. The following cases pending in this District involving common issues of law and fact shall be **CONSOLIDATED**: *Ballard v. Bank of America, N.A., et al.*, Case No. 3:23-cv-

00422, *Schak v. Bank of America, N.A., et al.*, Case No. 3:24-cv-00027, *Conaway v. Bank of America, N.A.*, Case No. 3:23-cv-00542, *Powe, et al v. Bank of America, N.A., et al.*, Case No. 3:23-cv-00756, and *Stripling, et al. v. Bank of America, N.A.*, Case No. 3:23-cv-00908.

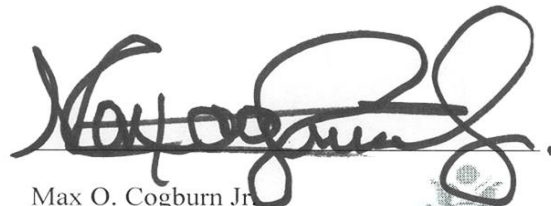
2. The Clerk shall establish and maintain a Master Docket for this proceeding under the caption “*In re: Bank of America Unauthorized Account Opening Litigation*”, Master File No. 3:23-cv-00422 (the “Consolidated Action”).

3. The hearing currently set for February 20, 2024 is hereby **CONTINUED** to a date to be determined. The Court understands that an in-person hearing will accrue attorney fees, but finds that there remains a need for an in-person hearing with all counsel of record before this Court.

4. The parties in the Consolidated Action shall confer regarding appointment of interim lead counsel and file any stipulation or motion no later than **February 29, 2024**. Any responses to any stipulation or motion shall be filed no later **March 21, 2024**. There will be no replies permitted.

**IT IS SO ORDERED.**

Signed: February 16, 2024

  
Max O. Cogburn Jr.  
United States District Judge